

Docket No.: 21381/0212116-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Eberhard Sauter

Application No.: 10/520,826

Confirmation No.: 2713

Filed: July 11, 2005

Art Unit: 2856

For: BED WATER SAMPLING DEVICE

Examiner: Thomas Noland

RENEWED PETITION UNDER 37 C.F.R. § 1.137(B)

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 22, 2009

Dear Sir:

This communication is responsive to a Decision on Petition mailed by the United States Patent and Trademark Office (USPTO) on June 9, 2009. The Applicants herein renew the initial petition under the unintentional provisions of 37 C.F.R. § 1.137(b) to revive the above-identified application. The initial petition stating the delay was unintentional was filed on May 18, 2009 and is attached hereto as Exhibit A. Favorable reconsideration is respectfully requested in light of the following arguments and evidentiary submissions.

The above-identified application became abandoned on July 9, 2007 for failure to timely pay the issue fee and submit a substitute oath or declaration in response to the Notice of Allowance and Notice of Allowability. A Notice of Abandonment was mailed by the USPTO on August 8, 2007.

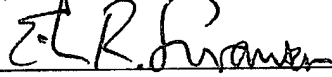
Applicant hereby petitions to revive this application. The entire delay in filing the required reply from the date for the required reply until the filing of a grantable petition under 37 C.F.R § 1.137(b) was unintentional.

This renewed petition is filed together with a Response to the Notice of Allowance (is attached hereto as Exhibit B), substitute Declaration (is attached hereto as Exhibit C), a Request for Continued Examination (is attached hereto as Exhibit D), and an Information Disclosure Statement (is attached hereto as Exhibit E).

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 04-0100.

Dated: June 22, 2009

Respectfully submitted,

By 
Erik R. Swanson

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(212) 527-7701 (Fax)
Attorneys/Agents For Applicant

Exhibit A

PTO/SB/64 (04-09)

Approved for use through 05/31/2009. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 21381/0212116-US0
--------------------------------------------------------------------------------------------------------------	------------------------------------------------------

First named inventor: Eberhard J. Sauter

Application No: 10/520,826-Conf. #2713

Art Unit: 2856

Filed: July 11, 2005

Examiner: Thomas Noland

Title: BED WATER SAMPLING DEVICE

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity – fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,620.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):
- ☐ has been filed previously on _____
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1,810.00

- ☐ has been paid previously on _____
- ☒ is enclosed herewith.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

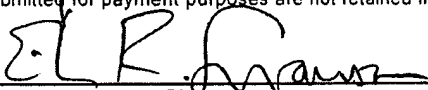
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

May 18, 2009

Date

Erik R. Swanson

Typed or printed name

40,833

Registration Number, if applicable

DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
Address

(212) 527-7700

Telephone Number

- Enclosures: ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Form PTOL-85 (Issue Fee Transmittal)

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

08/26/2004

Marshall Gerstein & Borum
 6300 Sears Tower
 233 South Wacker Drive
 Chicago, IL 60606-6357

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/250,826	11/13/2003	Thomas Daniel	29827/39466	2462

TITLE OF INVENTION: WATER-ABSORBING AGENT, METHOD FOR THE PRODUCTION AND THE UTILIZATION THEREOF

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	11/26/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
PEZZUTO, HELEN LEE	1713	524-417000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Darby & Darby

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type) Reel/Frame: 016760/0883

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

STIFTUNG ALFRED-WEGENER-INSTITUT
 FUER POLAR - UND MEERESFORSCHUNG

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

BREMERHAVEN, GERMANY

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee☒ Publication Fee (No small entity discount permitted)☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 04-0100 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Erik R. SwansonDate May 18, 2009Typed or printed name Erik R. SwansonRegistration No. 40,833

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Electronic Acknowledgement Receipt	
EFS ID:	5349495
Application Number:	10520826
International Application Number:	
Confirmation Number:	2713
Title of Invention:	BED WATER SAMPLING DEVICE
First Named Inventor/Applicant Name:	Eberhard J. Sauter
Correspondence Address:	Law Offices of Karl Hormann - PO Box 381516 - Cambridge MA 02238-1516 US - -
Filer:	Erik Robert Swanson/Gabriella Haber
Filer Authorized By:	Erik Robert Swanson
Attorney Docket Number:	040668-US
Receipt Date:	18-MAY-2009
Filing Date:	11-JUL-2005
Time Stamp:	12:50:39
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1620

RAM confirmation Number	8252
Deposit Account	040100
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Petition for review by the Office of Petitions.	Signed_Petition_to_revive.PDF	1192959 1B34275d77abc61b899698a200de1d085ba9ec08	no	2

Warnings:

Information:

2	Issue Fee Payment (PTO-85B)	Signed_Issue_Fee.PDF	1038163 6390055cddaf175ee53b5494cd15320e0d13db	no	1
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Warnings:

Information:

3	Fee Worksheet (PTO-875)	fee-info.pdf	30554 9cb5e98bc592a870065648791129af42f081890	no	2
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Warnings:

Information:

Total Files Size (in bytes):	2261676
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Electronic Patent Application Fee Transmittal				
Application Number:		10520826		
Filing Date:		11-Jul-2005		
Title of Invention:		BED WATER SAMPLING DEVICE		
First Named Inventor/Applicant Name:		Eberhard J. Sauter		
Filer:		Erik Robert Swanson/Gabriella Haber		
Attorney Docket Number:		040668-US		
Filed as Large Entity				
U.S. National Stage under 35 USC 371 Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Petition-revive unintent. abandoned appl	1453	1	1620	1620
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				1620